

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

STREET SPIRIT IP LLC, §
§
Plaintiff, §
§ Civil Action No. 3:23-cv-01304-E
v. §
§ JURY TRIAL DEMANDED
MATCH GROUP, LLC, §
§
Defendant. §
§

NOTICE OF SUPPLEMENTAL AUTHORITY

Defendant Match Group, LLC (“Match Group”) files this notice of supplemental authority in support of its Motion to Dismiss (Dkt. 39) and to inform the Court of an order dismissing Street Spirit’s similar patent-infringement claims in other litigation. *See St. Spirit IP LLC v. Meta Platforms, Inc.*, No. C 23-00879 WHA, 2023 WL 4869594 (N.D. Cal. July 31, 2023) (Ex. A, “NDCA Order”). Judge Alsup, of the Northern District of California, dismissed Street Spirit’s infringement allegations, finding U.S. Patent No. 9,282,090 (the “’090 Patent”) invalid under 35 U.S.C. § 101. Importantly, the ’090 Patent is closely related to the Patent asserted here, i.e., U.S. Patent No. 8,850,535 (“the ’535 Patent”). Specifically, the ’090 Patent is a continuation of the ’535 Patent (and, therefore, shares the same specification), both cover substantively identical inventions, and both are entitled “Methods and Systems for Identity Verification In a Social Network Using Ratings.”

The NDCA Court held that the ’090 Patent’s claims are “ineligible under Section 101” because they “are directed to an abstract idea at *Alice* step one and lack an inventive concept sufficient to transform the abstract idea into a patent-eligible application at *Alice* step two.” NDCA Order at *6. In doing so, the NDCA Court found that “[t]he Federal Circuit has characterized similar claims (in scope and complexity) as directed to the abstract idea of controlling access to resources” and “[t]hese claims likewise had computer-based features, which did not render them any less abstract.” *Id.* at *3. Judge Alsup found that the ’090 Patent’s claims (1)

“neither offer a specific, technological improvement nor solve a specific, technological problem,” and (2) “only perform an abstract business practice on the internet or using a conventional computer, accelerating and expanding identity verification via routine online activity.” *Id.* at *4.

Judge Alsup’s rationale equally applies to the ’535 Patent’s claims because the claims of the ’090 and ’535 Patents have no material differences in scope and complexity. The ’535 Patent’s claims, like the ’090 Patent’s claims, “are directed to the abstract idea of controlling access to resources—specifically, controlling access based on verification of the user’s identity.” *See* NDCA Order at *4.

Separately, Street Spirit is collaterally estopped from asserting the ’535 Patent in view of the NDCA Order invalidating the ’090 Patent. Match Group will soon file a motion for leave to file supplemental briefing on the collateral estoppel issue.

Dated: August 4, 2023

Respectfully submitted,

/s/ Robert Greeson

Robert Greeson
Texas Bar No. 24045979
robert.greeson@nortonrosefulbright.com
**NORTON ROSE FULBRIGHT US
LLP**
2200 Ross Avenue, Suite 3600
Dallas, Texas 75201-2784
Telephone: (214) 855-8000
Facsimile: (214) 855-8200

Erik Janitens
Texas Bar No. 24097878
erik.janitens@nortonrosefulbright.com
**NORTON ROSE FULBRIGHT US
LLP**
Fulbright Tower
1301 McKinney, Suite 5100
Houston, Texas 77010-3095
Telephone: (713) 651-5151
Facsimile: (713) 651-5246

Gabriel Culver
Texas Bar No. 24116240
gabriel.culver@nortonrosefulbright.com
**NORTON ROSE FULBRIGHT US
LLP**
98 San Jacinto Boulevard, Suite 1100
Austin, Texas 78701
Telephone: (512) 474-5201
Facsimile: (512) 536-4598

***Attorneys for Defendant Match Group,
LLC***

CERTIFICATE OF SERVICE

The undersigned certifies that on August 4, 2023, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Robert Greeson
Robert Greeson